Compilation of Public Comments
Calcasieu Estuary: Contraband Bayou, West Fork Calcasieu River, Houston River, Bayou d'Inde, Bayou Choupique
TMDLs for Oxygen Demand (revised)

Commenter	Date received	Waterbody name	Summary of Comments	Summary of LDEQ Response
William B. Richardson, LSU AgCenter	Letter Dated: 9/27/02	Calcasieu Estuary: Contraband Bayou, West Fork Calcasieu River, Houston River, Bayou d'Inde, Bayou Choupique	The survey dates of June 2001 are the same as the dates for the previously proposed TMDL. Agrees that there is a connection in the percent nonpoint load reductions, but there are significant differences in existing and tolerable stream loadings between the two versions of the TMDL. The vast differences between the two sets of results are inconsistent. The proposed standards should be revisited.	LDEQ will continue to pursue refinement and revisions to the water quality standards as needed, particularly the DO standard for certain classifications of waterbodies, such as intermittent streams, naturally dystrophic waters, and man-made waterbodies. Additional surveys will be conducted as needed to support proposed revisions to the water quality standards.
		Contraband Bayou	It drains mostly urban and residential areas in an area of low relief. With the low flow of the stream and the nature of the inflow sources it is difficult to justify the decision to set a DO standard year round of 4mg/l. The DO standard should be lowered. Only one analysis was done, and the high benthic oxygen demand could have been the result of the drought.	LDEQ agrees that the timeframe the sampling was done in was reflective of the drought conditions experienced then, which were not indicative of the normal conditions of these streams. The Calcasieu River Basin will be sampled again in 2004 and reevaluated shortly thereafter.
		West Fork Calcasieu River, Houston River	These waterbodies are considered naturally dystrophic. The designation of naturally dystrophic indicates that they are unable to support the DO standard set forth. The proposed standards should be surveyed again.	See above responses.
		Bayou d'Inde	This bayou has six times the point source load as it does nonpoint load. It has more assimilative capacity than loading and should not require any reduction to meet water quality standards. These standards should be reevaluated.	See above responses.

Vicki Ludden, Gulf Restoration Network	Letter dated: 9/30/02	Contraband Bayou	It appears that only nonpoint source reductions are required by this TMDL, but the wasteload allocation for BOD to Contraband Bayou is approximately 50% of the TMDL allowed for this waterbody. Reductions in point source loadings should be considered also. LDEQ also hasn't identified specific BMPs or NPS pollution controls that will be used to achieve the prescribed reductions. There are no reasonable assurances in this TMDL that the nonpoint source reductions will be achieved. The nonpoint source program and BMPs haven't worked in the past and there are no provisions for alternatives to improving the water quality.	The tributaries for which significant nonpoint reduction is projected are Contraband Bayou and West Fork/Houston River. The small facilities discharging to West Fork are unlikely to have a significant impact. The Lake Charles POTWs discharging to Contraband Bayou are probably a significant contributor to the DO load. Tightening the limitations of Plants B and C would possibly reduce the nonpoint reductions required. The City is now planning to route at least 30% of the loading from these plants to a new treatment plant that will be constructed during the next two years. Either way, a rerun of the model will be needed to evaluate the impact of point source reductions. USEPA has approved LDEQ's revised Nonpoint Source Management Plan. As TMDLs are approved, more detailed strategies specific to the individual watersheds will be developed and outlined in the Management Plan.
		Calcasieu Estuary: Contraband Bayou, West Fork Calcasieu River, Houston River, Bayou d'Inde, Bayou Choupique	There was no implementation plan included in the TMDL. Implementation plans should be included in TMDLs for waters primarily impacted by nonpoint sources (according to EPA guidance). Reference is made to the Nonpoint Source Pollution Management Plan, but the management plan is inadequate as an implementation plan: LDEQ has failed to demonstrate legal authority to implement the proposed actions, some of the subsegments in the TMDL were not mentioned, and it doesn't address all of the subsources of NPS pollution identified in the TMDL.	Presently, implementation plans are not mandatory components of TMDLs. LDEQ is committed to complying with all of the applicable federal regulations and has established policies and procedures to ensure that all TMDLs are developed in accordance with the regulatory requirements of Section 303(d) of the Clean Water Act. As TMDLs are approved, more detailed strategies specific to the individual watersheds will be developed.

		Calcasieu Estuary: Contraband Bayou, West Fork Calcasieu River, Houston River, Bayou d'Inde, Bayou Choupique	TMDLs would be easier to understand with a glossary of relevant terms and abbreviations. A glossary in each future TMDL would increase the capacity of the general public to understand and comment on them. The TMDL report appendices should be made available online and should be clearly labeled as such.	LDEQ appreciates the suggestion of a glossary and will work on developing such a glossary. The information contained in the appendices for this particular model can be difficult to follow and extract. The TMDL appendices are actually separate files developed for or produced from the model that would ordinarily be included in the pdf files listed. A contractor developed this TMDL, so pdf conversion of the appendices was not done. The appendices in original application format are available upon request.
		West Fork Calcasieu River and Houston River	A discussion of how these two subsegments were designated dystrophic should be included, since it impacts the DO criteria.	The West Fork Calcasieu River and Houston River have been classified as naturally dystrophic waters in Chapter 11 of the Louisiana Water Quality Regulations with seasonal dissolved oxygen criteria of 5 mg/L in winter and 3 mg/L in summer. This designation was based upon a use attainability analysis that was approved by USEPA in 1986 and promulgated through the state promulgation procedures, which includes opportunities for public participation.
		Calcasieu Estuary: Contraband Bayou, West Fork Calcasieu River, Houston River, Bayou d'Inde, Bayou Choupique	The MOS should be increased to the standard 20% for this TMDL because permit violations by point source dischargers were not taken into consideration. In the Calcasieu Estuary, enforcement is not sufficient to guarantee no permit violations.	The TMDL report cites rationale for using a 10% MOS. The projection model was executed for 900 time cycles (days), or two and one half years, of unbroken critical low flow and critical high temperature. LDEQ believes this is very conservative and is much longer than the typical critical period assumed for most of LDEQ's TMDLs. Considering the above reasoning, the use of 10% explicit MOS is appropriate for this TMDL.

		Bayou d'Inde and Bayou Choupique	The TMDL indicated that DO criteria were attained for Bayou d'Inde and Bayou Choupique without reductions. There needs to be a detailed explanation for the large reserve capacities in these subsegments. Bayou d'Inde is on the 303(d) list for low DO, and this incongruity needs to be addressed to assure the public that these subsegments are meeting their designated uses.	The model projection runs show that the DO criterion will be met for these waterbodies without further reductions. This is based upon the current loading as measured during the survey of the bayous and accounted for in the model. Historical data from Bayou d'Inde somewhat supports this. Both were only sampled during 1999 and had a number of exceedences of the DO criterion. LDEQ has attributed these numbers to the drought conditions that occurred in the state during 1999-2000. These waterbodies will be sampled again in 2004.
Beth Zilbert, Earthjustice Legal Defense Fund	Letter dated: 9/24/03	Contraband Bayou, West Fork Calcasieu River, Bayou d'Inde, Bayou Choupique	A 10% MOS was used in calculating the TMDLs for these subsegments, but 20% MOS is the agency's standard practice. Reducing the MOS by 50% is unwarranted, and is arbitrary and capricious, and an abuse of discretion. LDEQ's rationale for doing so is unpersuasive.	The TMDL report cites rationale for using a 10% MOS. The projection model was executed for 900 time cycles (days), or two and one half years, of unbroken critical low flow and critical high temperature. LDEQ believes this is very conservative and is much longer than the typical critical period assumed for most of LDEQ's TMDLs. Considering the above reasoning, the use of 10% explicit MOS is appropriate for this TMDL.
		Contraband Bayou, West Fork Calcasieu River, Bayou Choupique	A reserve capacity of zero (as assigned to these subsegments) does not allow for the many accidental discharges experienced by the Lake Charles area industries, deviations from model projections, or changes in temperature and water levels. A reserve capacity of zero also leaves no room for growth.	Accidental discharges or those in excess of permit limits are handled by enforcement measures, and the TMDL is not a tool of enforcement. Non-compliance is also not to be accounted for in a TMDL. Any lack of accuracy in model projections is covered by the very conservative assumption of two and one half years of unbroken critical low flow and critical high temperature and the 10% explicit margin of safety. Projecting at the summer season critical high temperature accounts for changes in ambient temperature. Depth fluctuations impact reaeration rates and water column concentrations, and all of these parameters are part of the dynamic model. Temperature will be modeled in future runs of these Calcasieu TMDLs, and if revising the TMDL is necessary, the revised TMDL will be posted on LDEQ's website for public review.

		Bayou d'Inde	Current loading numbers indicate that this subsegment is impacted almost solely by point sources. The contribution of BOD into Bayou d'Inde from point sources is currently 6 times that of nonpoint sources. LDEQ still requires no change in pollutant loadings for the subsegment. If no reduction in pollutant loadings is required by this TMDL, LDEQ is not meeting the requirements of the law to establish TMDLs which will bring impacted waterbodies back in line with water quality standards and designated uses.	The model projection runs show that the DO criterion will be met without further reductions. This is based upon the current loading as measured during the survey of the bayous and accounted for in the model. Historical data from Bayou d'Inde somewhat supports this. Both were only sampled during 1999 and had a number of exceedences of the DO criterion. LDEQ has attributed these numbers to the drought conditions that occurred in the state during 1999-2000. These waterbodies will be sampled again in 2004 and reassessed shortly after.
		Contraband Bayou, West Fork Calcasieu River, Bayou d'Inde, Bayou Choupique	Reductions should be required from point sources because BMPs have historically proven to be mostly ineffective.	The tributaries for which significant nonpoint reduction is projected are Contraband Bayou and West Fork/Houston River. The small facilities discharging to West Fork are unlikely to have a significant impact. The Lake Charles POTWs discharging to Contraband Bayou are probably a significant contributor to the DO load. Tightening the limitations of Plants B and C would possibly reduce the nonpoint reductions required. The City is now planning to route at least 30% of the loading from these plants to a new treatment plant that will be constructed during the next two years. Either way, a rerun of the model will be needed to evaluate the impact of point source reductions. USEPA has approved LDEQ's revised Nonpoint Source Management Plan. As TMDLs are approved, more detailed strategies specific to the individual watersheds will be developed and outlined in the Management Plan.
		Contraband Bayou, West Fork Calcasieu River, Bayou Choupique	BOD load reductions are projected to come from nonpoint sources for these subsegments, but the report only vaguely mentions BMPs. LDEQ also claims that the BMPs will achieve the 12%-71% load reductions required. LDEQ has not shown that BMPs will achieve these reductions in BOD from nonpoint sources.	See above responses.

		Contraband Bayou, West Fork Calcasieu River, Bayou d'Inde, Bayou Choupique	The TMDL report states that nonpoint sources include agricultural and pastoral loadings, as well as silviculture and urban run off. The Nonpoint Source Management Plan only discusses silviculture and urban run off. The Management Plan fails to address reductions from all categories of nonpoint sources as required by law.	See above responses.
		Calcasieu Estuary: Bayou d'Inde, West Fork Calcasieu River, Contraband Bayou, Houston River, Bayou Choupique	LDEQ is required to include all streams impacted by nonpoint sources (for which a TMDL is required) in its Management Plan, but only Bayou d'Inde and West Fork Calcasieu River are discussed.	See above responses.
		Calcasieu Estuary: Bayou d'Inde, West Fork Calcasieu River, Contraband Bayou, Houston River, Bayou Choupique	The appendices were not available online even though it appeared from the text of the LDEQ website that they were. Information in the appendices was vital to the understanding of the assumptions used by LDEQ in setting the TMDLs. Public information of this magnitude should be easily accessible and clearly marked.	The information contained in the appendices for this particular model can be difficult to follow and extract. The TMDL appendices are actually separate files developed for or produced from the model that would ordinarily be included in the pdf files listed. A contractor developed this TMDL, so pdf conversion of the appendices was not done. The appendices in original application format are available upon request. LDEQ provided the electronic files of the appendices to Ms. Zilbert via email the same day she requested them, September 20.
		Calcasieu Estuary: Bayou d'Inde, West Fork Calcasieu River, Contraband Bayou, Houston River, Bayou Choupique	The quantifications used differ between the TMDL report and the appendices. Quantifications used should be consistent throughout the report.	The units used are appropriate to the application and the model. Spreadsheet applications used in the development of the input data for the model convert units as needed for the model. LDEQ will strive to improve the consistency in the summaries of the allocation information in future TMDLs.

Michael Tritico, RESTORE	Letter dated: 9/27/02	Calcasieu Estuary: Bayou d'Inde, West Fork Calcasieu River, Contraband Bayou, Houston River, Bayou Choupique	It seems as though progress is being made in the effort to restore our streams to natural conditions. Also seems to be a serious effort to consider various contributors to the problems that have plagued these stream segments for decades.	LDEQ appreciates your comments.
		Calcasieu Estuary: Bayou d'Inde, West Fork Calcasieu River, Contraband Bayou, Houston River, Bayou Choupique	Relaxing the 20% MOS to 10% may make mathematical sense but is not common sense or prudent.	The assumptions and default values that are utilized in the TMDL models are conservative in order to protect water quality and to prevent any further degradation of water quality. There is an implicit MOS as well as an explicit MOS in all of LDEQ's TMDLs. LDEQ utilizes some discretion in applying the explicit MOS depending upon the conditions and sources or potential for new sources in the watershed.
		Contraband Bayou	It's puzzling that the TMDL report can claim that Contraband Bayou meets secondary contact recreation. The aquatic population seems to have been negatively impacted over the years.	LDEQ is continually reviewing the completed TMDLs, and they will be revised as is necessary based on new information and available manpower and data. In the event of a revised TMDL, it is posted to the LDEQ website for public review.
		West Fork Calcasieu River	It seems unreasonable that this waterbody is meeting primary and secondary contact recreation uses. People no longer swim there or eat the fish because of the Willow Springs hazardous waste site.	See above responses.
		Calcasieu Estuary: Bayou d'Inde, West Fork Calcasieu River, Contraband Bayou, Houston River, Bayou Choupique	There is no such thing as a naturally dystrophic stream segment. They have become dystrophic after the arrival of immigrants. Except for a few situations, it is doubtful that the negative or neutral eH exerted by sediments would extent upward into the water column more than a few centimeters.	See above responses.